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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,447	04/08/2004	Joseph J. Kubler	14364US24	2456
23446 7590 07/25/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER HALIYUR, VENKATESH N	
			ART UNIT 2616	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,447	<b>Applicant(s)</b> KUBLER ET AL.	
	<b>Examiner</b> Venkatesh Haliyur	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-42 are pending in the application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3,5-7,9-16,18-24,26-28,30-37,39-42 are rejected under 35

U.S.C. 102(e) as being anticipated by Huang [US Pat: 5,434,856].

Regarding claims 1,15,18,22,36,39, Huang in the invention of "Method for Monitoring Communication Talkgroups" disclosed a communication network (**Figs 1-3**) operating to support voice and data communication within a premises, said communication network comprising: a plurality of mobile network devices (**items 102,114 of Fig 1**) comprising a buffer (**item 200 of Fig 2**) that stores incoming digital voice information for a predetermined queuing period before beginning voice reproduction from the stored digital voice information (**col 1, lines 58-67**); a stationary network device (**packet gateways and routers, item 121 of Fig 1**); a

wireless network (**item 111 of Fig 1**) that is used by each of said plurality of mobile network devices (**items 101-103 of Fig 1**) to selectively exchange voice and data packets with others of the plurality of mobile network devices; a hardwired network (**frame relay switch, item 120 of Fig 1**) connected to both said stationary network device and said wireless network (**col 2, lines 1-23**); said hardwired network being used to route voice and data packets between said stationary network device and said plurality of mobile network devices which participate via said wireless network (**col 2, lines 24-40**); a telephone (**consoles, item 122 of Fig 1**), connected to said stationary network device, that captures, delivers, receives and reproduces voice in an analog voice stream form (**col 2, lines 41-52**); said stationary network device comprising a buffer that stores digital voice information received from said wireless network for a predetermined queuing period before converting the stored digital voice information into an analog voice stream (**D/A**) and delivering the analog voice stream to said telephone (**col 2, lines 53-67**); and said stationary network device converts analog voice streams received from said telephone into voice packets for delivery via said hardwired and wireless networks to a selected one of said plurality of mobile network devices (**col 3, lines 1-11**).

Regarding claims 2-3,19,23-24,40, Huang disclosed that the predetermined queuing period is determined through examining delays found in test signal routing (**through analysis of expected voice packet**) and said stationary network device is a computer (**routers, col 2, lines 53-67**).

Regarding claim 5,26,32 Huang disclosed that said stationary network device provides call setup assistance for said telephone (**communication links established via base stations and gateway with communication units, col 2, lines 3-13**).

Regarding claim 6,16,27,37, Huang disclosed a telephone switching network (**frame relay switch, item 120 of Fig 1**) connected to said stationary network device (**packet gateways and routers, item 121 of Fig 1**); and said stationary network device selectively routes analog voice streams received from said telephone onto said telephone switching network, and said stationary network device selectively routes analog voice streams received from said telephone switching network to said telephone (**col 2, lines 4-40**).

Regarding claim 7,28, Huang disclosed a communication network located within a premises for supporting voice and data exchanges (**Figs 1-3**), said communication network comprising: a plurality of portable terminals (**items 101-103 of Fig 1**), each comprising a wireless transceiver; each of said plurality of portable terminals capture voice in an analog voice stream form and generate therefrom digital voice packets (**col 2, lines 3-24**), and each of said plurality of portable terminals receive digital voice packets, generate therefrom analog voice streams, and reproduce voice from the analog voice streams (**col 3, lines 51-65**); each of said plurality of portable terminals capture data and generate therefrom data packets, and each of said plurality of portable terminals receive data packets and reproduce data from the data packets received (**col 3, lines 3-10**); a plurality of

access devices (**base stations, items 114-116 of Fig 1**), each comprising a wireless transceiver (**item 22 of Fig 1**); and said plurality of access devices using a polling protocol to manage wireless routing of data and voice packets within the premises among said plurality of portable terminals (**col 2, lines 23-40**).

Regarding claims 9,13,30,34 Huang disclosed that a telephone, connected to one of said plurality of access devices (**base stations**), that captures, delivers, receives and reproduces voice in an analog voice stream form (**col 2, lines 41-52**); said one of said plurality of access devices selectively converting digital voice packets received into an analog voice stream for delivery to said telephone for reproduction (**col 3, lines 3-11**); and said one of said plurality of access devices selectively converting an analog voice stream received from said telephone into digital voice packets for delivery to one of said plurality of portable terminals (**col 3, lines 12-65**).

Regarding claim 10,31 Huang disclosed a telephone switching network (**frame relay switch**) connected to said one of said plurality of access devices (**base stations**); said one of said plurality of access devices selectively routes analog voice streams received from said telephone through said telephone switching network; and said one of said plurality of access devices selectively routes analog voice streams received from said telephone switching network to said telephone (**col 2, lines 23-40**).

Regarding claims 11,14,35, Huang disclosed that said one of said plurality of access devices provides call setup assistance for said telephone

**(communication links established via base stations with communication units, col 2, lines 3-13).**

Regarding claim 12,33 Huang disclosed one of said access devices stores incoming digital voice packets for a queuing time period before converting the digital voice packets into an analog voice stream form **(col 2, lines 53-67).**

Regarding claims 20-21,41-42, said voice packet network comprises an Internet switching network (Frame relay over wide area network and packet networks) and wherein said second network **(item 112 of Fig 1)** device is an access device **(base station, items 115 of Fig 1, col 2, lines 3-40).**

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 8, 17, 25, 29, 38 rejected under 35 U.S.C. 103(a) as being unpatentable over Huang [US Pat: 5,434,856] in view of Meier et al [US Pat: 5,394,436].

Regarding claims 4,17,25,38, Huang in the invention of "Method for Monitoring Communication Talkgroups" disclosed that said wireless network utilizes

a polling protocol (**LAN protocol, col 2, lines 14-40**) but fails to disclose spanning tree routing. However, Meier et al in the invention of "Radio Frequency Local Area Network" disclosed an apparatus and method for optimal spanning tree network to control routing of data packets by the stationary network gateway device (**gateway unit, item 20 of Fig 1**) for mobile terminals (**Meier et al. col 2, lines 15-61, col 3, lines 56-65, Fig 1**).

Therefore it would have been obvious for one of the ordinary skills in the art at the time the invention was made to use the method for routing data in a radio data communication system using spanning tree routing protocol as taught by Meier et al to include in the system of Huang to utilize spanning tree routing for both data and voice packets. One is motivated as such in order to minimize the voice packet delays transmitted to and from mobile terminals via a packet gateway connected to a mobile access device by using spanning tree routing protocol method by avoiding looping of routed data packets as taught by Meier et al to cover large area with the mobile communication system.

Regarding claims 8,29, Huang disclosed plurality of access devices (**base stations, items 114-116 of Fig 1**) for routing both data and voice packets (**col 2 lines 23-40**), but fails to disclose said plurality of access devices utilize spanning tree routing for both data and voice packets. However, Meier et al disclosed an apparatus and method for optimal spanning tree network to control routing of data packets by access device (**base transceiver units, items 22,24 of Fig 1**) for mobile terminals (**Meier et al. col 2, lines 15-34, col 3, lines 40-55, Fig 1**).



Therefore it would have been obvious for one of the ordinary skills in the art at the time the invention was made to use the method of routing both voice and data packets with spanning tree routing protocol by the plurality of access devices as taught by Meier et al to include in the system of Huang to implement spanning tree routing protocol in plurality of access devices for routing both data and voice packets. One is motivated as such in order to minimize the voice packet delays transmitted to and from mobile terminals via a packet gateway connected to a mobile access device by using spanning tree routing protocol method by avoiding looping of routed data packets as taught by Meier et al to cover large area with the mobile communication system.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached @ (571)-272-7884. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

Art Unit: 2616

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Venkatesh Haliyur

Patent Examiner

*Uh* 07/23/07

EDAN ORGAD  
PRIMARY PATENT EXAMINER

*Edan Orgad* 7/23/07